

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

**Plaintiff**

v.

[2] IVAN CLAUDIO-NIEVES, ET. AL.,

**Defendant.**

**CRIMINAL NO. 17-85 (DRD)**

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, on September 14, 2017, defendant Ivan Claudio-Nieves (hereinafter referred to as “Claudio-Nieves”) entered a straight plea as to Counts One and Two of the Indictment charging defendant with violations of 18 U.S.C. §§922 (g) (1) and 2 – Felon in possession of a firearm and §§922 (o) and 2 – Illegal possession of a machine gun;

AND WHEREAS, March 19, 2018, Claudio-Nieves was sentenced. As part of the judgment, the Honorable Court ordered that defendant forfeit to the United States all his rights, titles, and interests in any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. One Glock, model 23, bearing serial number BAAH345, and four magazines containing a total of 50 rounds of .40 caliber ammunition

AND WHEREAS, the United States has made a sufficient showing of the forfeitability of the above-mentioned property;

AND WHEREAS, the Court has jurisdiction pursuant to Title 18, United States Code, Sections 924 (d), Title 28, United States Code, Section 2461 (c) and Rule 32.2 of the Federal Rules

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of Criminal Procedure to order the defendant, as part of the sentence, to forfeit the above-described property; accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED:

1. That the United States is now entitled to possession of the above mentioned property, free and clear, pursuant to Title 18, United States Code, Sections 924 (d), Title 28, United States Code, Section 2461 (c), Title 21, United States Code, Section 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, and any and all of the defendant's rights, titles and interests in the property are forfeited to the United States.

It is further ORDERED that the United States is authorized to seize the property for disposition in accordance with the law, subject to the provisions of Title 18, United States Code, Sections 924 (d), Title 28, United States Code, Section 2461 (c), Title 21, United States Code, Section 853 and Rule 32.2 of the Federal Rules of Criminal Procedure.

2. Upon the issuance of a Preliminary Order of Forfeiture, the United States will publish notice of the Order in the official government internet site, ([www.forfeiture.gov](http://www.forfeiture.gov)), as required by Title 21, United States Code, Section 853 (n). Notice of this Order will include notice of the Federal Bureau of Investigations (FBI) intent to dispose of the property in a manner directed by the Attorney General. The United States will send direct notice to any person, other than the defendant Ivan Claudio-Nieves, having or claiming a legal interest in the property, advising such person of his or her right to file a petition with the Court to contest the forfeiture in accordance with Title 21, United States Code, Section 853 (n) and Rule 32.2 (c) of the Federal Rules of Criminal Procedure. Copy of any petition should be served on David Henek, Assistant United States Attorney, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice: will state that the petition is for a hearing to adjudicate

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the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's rights, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

3. Upon adjudication of all third-party interests, the court will enter a Final Order of Forfeiture pursuant to Title 18, United States Code, Sections 924 (d), Title 28, United States Code, Section 2461 (c), Title 21, United States Code, Section 853, and Rule 32.2 of the Federal Rules of Criminal Procedure in which all interests will be addressed.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, June 28, 2018.

S/ Daniel R. Dominguez  
DANIEL R. DOMINGUEZ  
UNITED STATES DISTRICT JUDGE